



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

May 2, 2008

E. J. BROOKS & ASSOCIATES, PLLC
SUITE 500
1221 NICOLLET AVENUE
MINNEAPOLIS, MN 55403
US

Dear Sir/Madam,

Your refund request for 10687223 in the amount of \$88.00 has been denied.

Notice Regarding Request for Refund of Excess Claims Fees

The Office published a final rule notice to provide that an applicant may request a refund of excess claims fees under 37 CFR 1.117. However, the United States District Court for the Eastern District Court of Virginia issued a decision on April 1, 2008, enjoining the USPTO from implementing the changes in the final rule notice. Therefore, the USPTO currently does not have the authority to act on any request for a refund of excess claims fees for canceled claims under 37 CFR 1.117 and provide any such refund.

Sincerely,
Cynthia Streater
Cynthia Streater
Technical Center Others
703 308-9010 x178

10-24-'07 12:04 FROM-Brooks & Cameron

612-659-9344

T-945 P02/05 U-009

Attorney Docket No. 110.0010001
Request for Refund dated October 23, 2007

Application No.	:	10/687,223	Confirmation No.:	2931
Applicant	:	Peter J. Kachler, et al.		
Filed	:	October 15, 2003		
TC/A.U.	:	3626		
Examiner	:	Amber L. Altschul		
Docket	:	110.0010001		
Customer No.	:	38356		

MS 16
Director of the US Patent and Trademark Office
P.O. BOX 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND

To Whom It May Concern:

In a separately filed Preliminary Amendment, Applicant canceled independent claims 13 and 16, as well as dependent claims 14-15, 17-18, 31, and 33-34 to bring the total claim count within 25 claims as required by 37 C.F.R. § 1.75(b)(1). No claims were added. Claims 1-12, 19-30, and 32 are pending in the present application.

As a result, Applicant respectfully requests refund of \$88.00, previously paid as a fee for an excess claim under 37 C.F.R. § 1.492. Applicant has included a copy of the check used to make the abovementioned payment to the United States Patent and Trademark Office, as well as a copy of the Patent Application Transmittal indicating the fee for excess claims.

10-24-'07 12:05 FROM-Brooks & Cameron

612-659-9344

T-945 P03/05 U-009

Attorney Docket No. 110.0010001
Request for Refund dated October 23, 2007

CONCLUSION

Responsible parties are invited to telephone Applicant's attorney at (612) 236-0120 to facilitate prosecution of this matter.

CERTIFICATE UNDER 37 C.F.R. §1.8:

The undersigned hereby certifies that this correspondence is being transmitted to the United States Patent Office facsimile number (571) 273-6500 on

October 24, 2007

Name

Allison L. Subrahmanyam

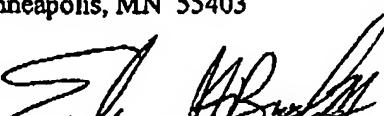
Signature

EJL

Respectfully Submitted,
Peter J. Kachler, et al.

By Applicants' Representatives,
Brooks, Cameron & Huebsch, PLLC
1221 Nicollet Avenue, Suite 500
Minneapolis, MN 55403

By:


Edward J. Brooks III
Reg. No. 40,925

Date:

10/24/2007